IN RE: PETITION FOR VARIANCE

E/S of Gore Mill Road, 2450'

SW of Bentley Road

3rd Election District

6th Councilmanic District

(20413 Gore Mill Road)

Cynthia M. & Mark J. D'annunzio Petitioners * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 02-393-A

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Cynthia M. and Mark J. D'annunzio. The Petitioners are requesting a variance for property they own at 20413 Gore Mill Road, located in the Freeland area of Baltimore County. The variance request is to allow an existing garage to be in the side and front yard of the Petitioners' property in lieu of the required rear yard.

Appearing at the hearing on behalf of the request were Mr. & Mrs. D'annunzio. There were no protestants in attendance.

Testimony and evidence indicated that the Petitioners purchased the subject property approximately 5 years ago. The garage and house were constructed approximately 20 years ago. Therefore, the garage was already located in the front and side yard of the Petitioners' property at the time that they purchased same. The property owners are now seeking a permit to do major renovations to their home. They were advised by representatives of the Zoning Office that the location of the garage should be legalized by way of a variance request before a permit would be issued for the renovations to their home. After considering the testimony and evidence offered at the hearing, I find that the variance should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Soley, 270 Md. 208

The first street of the street

(1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 30 day of April, 2002, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 102.1, 102.2 and 400.1 of the Baltimore County Zoning Regulations, to permit an existing garage to be in the side and front yard in lieu of the rear yard, be and is hereby GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY

TMK:raj



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

April 30, 2002

Mr. & Mrs. Mark J. D'annunzio 20413 Gore Mill Road Freeland, Maryland 21053-9559

> Re: Petition for Variance Case No. 02-393-A

> > Property: 20413 Gore Mill Road

Dear Mr. & Mrs. D'annunzio:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

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TMK:raj Enclosure

c: Richard L. Smith KCI Technologies, Inc. 10 North Park Drive Hunt Valley, MD 21030



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at	20413 Gore M:	ill Road .
which is	presently zoned	"RC-4"

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 102.1. 102,2 and 400.1 of the BCZR

TO FERMIT AN EXISTING GARAGE TO BE IN THE SIDE & FRONT YARD

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) "Practical Difficulty"

See attached reasons to accompany the petition for variance.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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Signature		
Address		Telephone No.
City	State	Zip Code
Attorney For Petit	tioner:	
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Address		Telephone No.
A processing	State	Zip Code
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Case No. 07	393-A	

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I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

11/12	>	
Signature		
Cynthia M. D'annunz	io	
Name-Type or Print	1	
Signaturé		
20413 Gore Mill Roa	d 410-357	
Address	•	Telephone No.
Freeland	MD 210)53-9559
City	State	Zip Code
Representative to be C	ontacted:	
Richard L. Smith		
KCI Technologies, In	c.	
Name		
10 North Park Drive		110-316-7931 Telephone No.
Address		Telephone No.
	MD_	21030
Hunt Valley		Zip Code
Hunt Valley City	State	
City	SE ONLY	6

Reasons to Accompany Variance Request For 20413 Gore Mill Road Property of Mark J. and Cynthia M. D'annuzio

The petitioners are hereby requesting a variance to Sections 102.1, 102.2 and 400.1 of the BCZR to allow an existing one (1) story 2-car frame garage to remain in a front yard.

The request is "based" on "practical difficulty" for the following reasons:

- 1. The garage was constructed in the late 1970's prior to the current ownership of the property.
- 2. The topography of the property is such that the front of it (along Gore Mill Road) is reasonably "flat" for approximately 80' from the edge of the paving of Gore Mill Road. Beyond that point the existing ground rapidly slopes down to a stream valley and a pond in the middle of the property.

The slope is at a grade of approximately 20%. Because of this slope, there is a practical difficulty in moving the garage to comply with the BCZR.

- A. There would be extensive site disturbance and grading to provide a "flat" surface for the garage.
- B. A Structural foundation would be required to support the garage and the vehicles parked in it.
- 3. Moving the garage would require a steeper driveway to it thereby creating a safety hazard during inclement weather.
- 4. The garage cannot be moved without changing the grades of the property to the detriment of the property and to the owners of it.

For the above reasons, and for those that may be presented at the variance hearing, the request is hereby made on the basis of "practical difficulty" to allow the existing garage to remain in a "front yard".

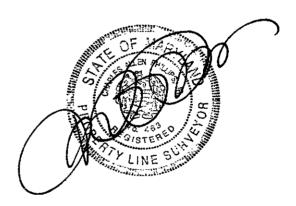
02.393 A.

Description 20413 Gore Mill Road Property of Mark J. and Cynthia M. Dannunzio

This description is to accompany a petition for yard variances.

Beginning for the same at a point in or near the center line of the existing paving of Gore Mill Road; said point of beginning being 2,450 feet, more or less southwesterly from the center line of paving of Bentley Road; thence the four following courses and distances; (1) S39° 59' 01"E 998.25' more or less to a point; thence (2)\$76° 56' 14" W 287.38' more or less to a point; thence (3) by a line parallel to the first described line, N 39° 59' 01" W 701.73' more or less to a point on or near the west side of Gore Mill Road; thence (4) N 17° 00' 59" E 305.53' more or less to the point of beginning.

Containing 5.00 acres of land, more or less.



07.393-17

MISCELLANEOUS RECEIPT OFFICE OF BUDGET & FINANCE BALTIMORE COUNTY, MARYLAND

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	DATE 03-15-07 ACCOUNT
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RECEIVED FROM:

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DISTRIBUTION
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CASHIER'S VALIDATION

CHARLE OF MOTRE OF ZOMING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson.

Maryland on the property
identified herein as follows:

Case: #02-393-A 20413 Gore Mill Hoad E/S of Gore Mill Road, 2450' SW of centerline of Bentley Road
3rd Election District 6th Councilmanic District Legal Owner(s): Mr. & Mr. Mark D'annunzio Variance: to permit an existing garage to be in the side and front yard in lieu of the rear yard. Hearing: Tuesday, April 30, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for **Battimore County** NOTES: (1) Hearings are Handicapped Accessible; for special accommodations

Please Contact the Zoning Commissioner's Office at (410) 887-4386. (2) For information con-

cerning the File and/or Hearing, Contact the Zoning Review Office at (418) 887-3391

C531444 4/123 Apr. 11

CERTIFICATE OF PUBLICATION

4 11 2002
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 4/11,2002.
☑ The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilking
LEGAL ADVERTISING

ERTIFICATE OF POSTING

RE: Case No : 02-393-A Petitioner/Developer: D'ANNUNZIO,

ETAL

Date of Hearing/Closing: 4/30/02

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Man. 3 GEORGE ZAHNER

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #20413 GORE MILL RD.

The sign(s) were posted on

Sincerely,

PATRICK M. O'KEEFE

(Printed Name)

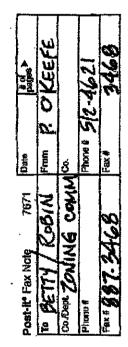
PENNY LANE

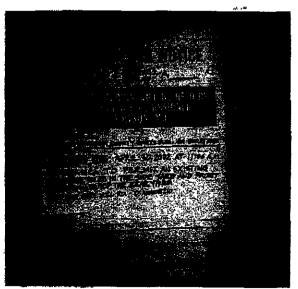
(Address)

HUNT VALLEY, MD. 21030 (City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)





TO: PATUXENT PUBLISHING COMPANY

Thursday, April 11, 2002 Issue - Jeffersonian

Please forward billing to:
Mark J D'annunzio

20413 Gore Mill Road

410316-7931

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-393-A 20413 Gore Mill Road

E/S of Gore Mill Road, 2450' SW of centerline of Bentley Road

3rd Election District – 6th Councilmanic District Legal Owner: Mr. & Mr. Mark D'annunzio

<u>Variance</u> to permit an existing garage to be in the side and front yard in lieu of the rear yard.

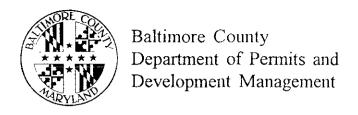
HEARING: Monday, April 29, 2002 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

LAWRENCE E. SCHMIDT GOZ ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

March 28, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-393-A 20413 Gore Mill Road

E/S of Gore Mill Road, 2450' SW of centerline of Bentley Road

3rd Election District – 6th Councilmanic District Legal Owner: Mr. & Mr. Mark D'annunzio

<u>Variance</u> to permit an existing garage to be in the side and front yard in lieu of the rear yard.

HEARING: Monday, April 29, 2002 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon GDZ Director

C: Mr. & Mrs. Mark J. D'annunzio, 20413 Gore Mill Road, Freeland 21053 Richard L Smith, KCI Technologies Inc. 10 North Park Drive, Hunt Valley 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 13, 2002.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE, FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, April 11, 2002 Issue - Jeffersonian

Please forward billing to: Mark J D'annunzio 20413 Gore Mill Road

410316-7931

CHANGE OF NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-393-A 20413 Gore Mill Road

E/S of Gore Mill Road, 2450' SW of centerline of Bentley Road

3rd Election District – 6th Councilmanic District

Legal Owner: Mr. & Mr. Mark D'annunzio

Variance to permit an existing garage to be in the side and front yard in lieu of the rear yard.

HEARING:

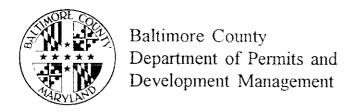
Tuesday, April 30, 2002 at 11:00a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
 - (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353

Fax: 410-887-5708

April 3, 2002

CHANGE OF NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-393-A 20413 Gore Mill Road

E/S of Gore Mill Road, 2450' SW of centerline of Bentley Road

3rd Election District – 6th Councilmanic District Legal Owner: Mr. & Mr. Mark D'annunzio

<u>Variance</u> to permit an existing garage to be in the side and front yard in lieu of the rear yard.

HEARING: Tuesday, April 30, 2002 at 11:00a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

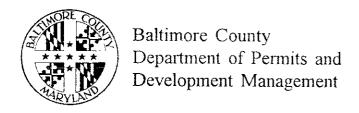
Arnold Jablon Director

C: Mr. & Mrs. Mark J. D'annunzio, 20413 Gore Mill Road, Freeland 21053 Richard L Smith, KCI Technologies Inc, 10 North Park Drive, Hunt Valley 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 13, 2002.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

April 26, 2002

Mr. & Mrs. Mark J D'annunzio 20413 Gore Mill Road Freeland MD 21053-9559

Dear Mr. & Mrs D'annunzio:

RE: Case Number: 02-393-A, 20413 Gore Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 15, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. 65 Z

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR: gdz

Enclosures

KCI Technologies Inc, Richard L Smith, 10 North Park Drive,
 Hunt Valley 21030
 People's Counsel

Baltimore County
Fire Department

Development Management (PDM)
County Office Building, Room 111

Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 25,2002

Item No.: See Below

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Office of the Fire Marshal

Towson, Maryland 21286-5500

700 East Joppa Road

410-887-4880

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

378, 381, 383, 386-389, 391-394, 396-400

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

Come visit the County's Website at www.co.ba.md.us

FROME 067-4881, MS-1102F

cc: File

COUNTY REVIEW GROUP MEETING {PRIVATE }

County Review Group comments

Sim 4/30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 29, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

MAR 29

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-362, & 02-364, 02-367, 02-387, 02-391, and 02-393

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL:MAC



Parris N. Glendening Governor John D. Porcari Secretary Parker F Williams

Administrator

Date: 3・26・272

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 333 12A

Dear. Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

f. f. Godl

RE: PETITION FORVARIANCE 20413 Gore Mill Road, E/S Gore Mill Rd, 2450' SW of c/l Bentley Rd 3rd Election District, 6th Councilmanic

Legal Owner: Mark J. & Cynthia M. D'annunzio Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 02-393-A

* * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

eter May Cinneinan

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of March, 2002 a copy of the foregoing Entry of Appearance was mailed to Richard Smith, KCI Technologies, Inc., 10 North Park Drive, Hunt Valley, MD 21030, representative for Petitioners.

PETER MAX ZIMMERMAN

Keter Max Zun

Case Number	02-393-A

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Cindy D'Annyozia	20413 Gare Mill Rd	Freeland, MO	21053
Mark D'Annuncio	20413 Gare Mill Rd. 20413 Gare Mill Rd.	Freeland, MP	21053
. •			
	•		
<u> </u>			
		Revised 4	/17/00

